



**Office of the New York State
Attorney General**

**Letitia James
Attorney General**

May 28, 2025

VIA ECF

Hon Margaret M. Garnett
United States District Court
Southern District of New York
40 Foley Square, Room 2102
New York, NY 10007

Re: *The People of the State of New York v. Puff Bar, et al.*,
Case No. 25-CV-01445 (MMG)

Dear Judge Garnett:

This Office represents Plaintiff the State of New York (the “State”) in the above-referenced litigation. We write in response to Puff Bar, EVO Brands, LLC, and PVG2, LLC’s (the “Puff Defendants”) May 23, 2025 request for a two-week extension to June 6, 2025 to potentially file a separate memorandum with additional arguments unique to the Puff Defendants in support of their motion to dismiss based on purported new evidence that may impact this case. Counsel for the Puff Defendants emailed us on May 24, 2025 requesting the State’s position.

As a matter of efficiency, we consent to the Puff Defendants’ belated request. Because the additional arguments submitted by the Puff Defendants may impact the need for an amended complaint, and to help avoid the seriatim burden of repeated motions to dismiss, the State respectfully requests a reciprocal two-week extension of all the deadlines relevant to the State’s action set forth in the Court’s May 1, 2025 Scheduling Order (ECF Doc. 69). Accordingly, the Scheduling Order would be updated to reflect the following new deadlines:

	Current Date	New Date
- Plaintiff’s Opposition to Motion to Sever:	June 13, 2025	June 27, 2025
- Plaintiff’s Opposition to Motion to Dismiss and Puff Defendants’ Separate Memorandum:	June 13, 2025	June 27, 2025
- Defendants’ Replies to Opposition to Motion to Sever:	June 27, 2025	July 11, 2025

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| - Defendants' Replies to Opposition to Motion to Dismiss: | June 27, 2025 | July 11, 2025 |
| - Plaintiff to File Amended Complaint pursuant to Rule II(B)(6) of the Court's Individual Rules & Practices: | June 6, 2025 | June 20, 2025 |

If Plaintiff Files an Amended Complaint:

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| - Defendants' Time After Service of Amended Complaint to (1) answer; (2) file a new or Supplemental motion to dismiss; or (3) submit a letter on ECF stating that they rely on the previously filed motion to dismiss: | June 20, 2025 | July 4, 2025 |
| - Defendants' Time After Service of Amended Complaint to Either Withdraw, Renew, or Supplement their Motion to Sever: | June 20, 2025 | July 4, 2025 |
| - Plaintiff's Opposition to Motion to Dismiss and Motion to Sever: | July 4, 2025 | July 18, 2025 |
| - Defendants' Replies to Motion to Dismiss and Motion to Sever: | July 11, 2025 | July 25, 2025 |

This is the State's first request for an extension. Counsel for all Defendants consent to the State's request.

Respectfully submitted,



Joy K. Mele
Assistant Attorney General
Health Care Bureau

Cc: All Counsel of Record (via ECF)